THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16994 of 2005

DATED:02.08.2005

Between:

G. Mastanaiah, S/o. Satyanarayana,
Nidadavole Depot and another.

..... PETITIONERS

AND

The APSRTC, rep. by its Regional Manager, W.G.Region

at Eluru, W.G.District and others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:16994 of 2005

ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the second respondent in passing the impugned order dated 16-07-2005 under which an amount of Rs.11,812-50 ps. was sought to be recovered which

represents half of the amount collected by the petitioners from the students excessively while issuing the student bus passes at Nallajarla College.

2. According to the first petitioner, he was appointed as a Conductor in the year 2000 and the second petitioner was appointed as a Conductor in the year 1990. While they were continuing at Tadepalligudem Depot, they were directed to issue monthly student bus-passes at Nalajarla College, and accordingly, issued bus passes as per the instructions of the Corporation. It is stated that as per the instructions, the petitioners have collected Rs.5/- towards service charges for issuing a fresh pass or renewal. But on certain complaints, the first petitioner along with the second petitioner was charge sheeted, for which the first petitioner has submitted his explanation dated 02-03-2005 disputing the allegation. The petitioner was again issued notice dated 25-05-2005 for which he filed his explanation dated 08-07-2005. But the third respondent instead of conducting a regular departmental enquiry, if the explanation of the petitioner is not accepted, passed the impugned order of recovery without conducting regular departmental enquiry holding that the petitioners are responsible for any excess collection from the students while issuing the bus passes. Therefore, according to the petitioner, the impugned order is liable to be quashed.

3. The learned counsel for the petitioner while reiterating the contentions raised in the affidavit, sought to quash the impugned order.

4 . Heard the learned counsel for the petitioner and the learned Standing Counsel.

5. As a major punishment was imposed for recovery of Rs.11,812-50 ps. from the petitioner without there being a regular enquiry holding that the petitioners were responsible for any excess collection, the impugned order is liable to be quashed.

6. Accordingly, the impugned order is set aside. However, it is made clear that it is open to the second respondent to conduct a regular departmental enquiry, if he so chooses, to hold the petitioners responsible for any action of illegality.

7. The writ petition is accordingly disposed of. No order as to costs.

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S.ANANDA REDDY, J

02nd August, 2005

SKM